IN THE HIGH COURT OF JUDICATURE AT JABALPUR (MP)

WRIT PETITION NO. 143/2000

PETITION UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA

PETITIONER : P.B.S.Oil Industries Limited,
(A company incorporated under the Companies Act, certificate of incorporation No.3846/87)
Industrial Area, Arjuni, Dhamtari,
District Dhamtari.

Through Director,
Shri Shyam Agrawal, aged about
son of Shri Surajmal Agrawal,
resident of Sadar Bazar, Dhamtari,
(MP).

Versus

RESPONDENTS :

1- State of Madhya Pradesh,
Through Secretary,
Labour Department,
Government of Madhya Pradesh,
Vallabh Bhawan, Bhopal (MP).

2- Presiding Officer,
Labour Court,
Raipur.

3- Assistant,
Labour Commissioner,
Raipur.

4- Labour Commissioner,
Madhya Pradesh,
Indore.

5- Chhatisgarh Shrimik Sangh,
Through Secretary,
Shri Roop Chand Chandrakar,
MI-G 1/51, Amdi Nagar, Bhilai,
District Durg (MP).

Sushil Kumar Khare
S. K. Khare
Oath Commissioner JBP.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(66)

आदेश पत्रक

मामला क्रमांक W.P.1431/00 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

22.11.2001 :

Shri H.B.Agrawal for the petitioner.

Shri Gautam Bhaduri for the State.

Shri R.K.Gupta for the respondent no.5.

The petitioner is aggrieved by the reference already made before the labour Court by the State on 15.1.99. Preliminary objection taken on behalf of the respondent is that since the matter is already pending before the labour Court, the petitioner should agitate this point before the said Court. It is submitted that it is premature for the petitioner to approach this Court before the issue as regards jurisdiction is decided by the labour Court.

Mr.H.B.Agrawal counsel for the petitioner submits that since the jurisdiction of the labour court is questioned by the petitioner, the labour court can not decide the issue of jurisdiction.

In my view that is not the correct position of law. Jurisdiction can be certainly raised before any forum or court where the matter is pending. No doubt, if aggrieved by the finding of the labour court, the petitioner should pursue the matter before the appropriate forum.

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आदेश पत्रक (पुर्वानुबद्ध)

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित ..2..	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
J	In the result,this petition is dismissed. I would direct the labour Court to decide the matter not later than two months from the date of receipt of this order. The petitioner shall produce a copy of this order before the learned labour Court. C.C.today. Sd/- Chief Justice	